

Matthew John Matagrano
04A5883
Wende Correctional Facility
3040 Wende Rd Po. Box 1187
Alden, N.Y. 14004-1187

May 7, 2007

Hon. Randolph F. Trececc
United States Magistrate Judge
United States District Court
Northern District of New York
P.O. Box 7367 100 S. Clinton Street
Syracuse, N.Y. 13261-7367

Re: Matagrano v. Miles, et al.;
NONY, 05-CV-1459 (Conn) CRFT)

Dear Judge Trececc:

Please accept this letter in further support of plaintiff's pro-se motion to supplement the Second Amended Complaint, (docket no. 47), scheduled as returnable before you on May 29, 2007.

My understanding of Rule 15(d) of the Federal Rules of Civil Procedure is that a party may supplement a pleading by filing a Motion seeking leave to supplement, a Supporting Affidavit, and a proposed supplement, and numbering sequentially after the pleading to be supplemented. In the affidavit in support I clearly stated that I was not seeking

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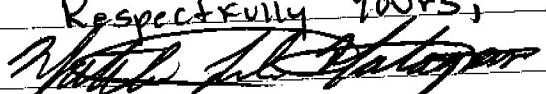
to amend the pleading, however, was seeking to supplement the Second Amended Complaint with what I allege to be further violations of my constitutional rights. I further stated that I was not changing any party, jurisdiction statement or cause of action statement.

The Second Amended Complaint (Docket No. 13) was docketed by the Court on June 15, 2006 (Signed by plaintiff on June 12, 2006 before a Notary Public), the Proposed Supplemental Complaint begins to cover allegations on June 19, 2006. The allegations contained in the proposed supplemental complaint are a continuation of the pleading in this action not an amendment.

Defendant's in their opposition focus on amending a pleading, this is not what Rule 15 (c) of the F.R.C.P. allows. The proposed supplemental complaint is a continuation against the parties already named in this action.

Thus, plaintiff respectfully requests the Court to grant the relief requested in the Motion to Supplement the Pleading.

Thank you for your consideration in this matter.

Respectfully Yours,

Matthew John Matagrano
Plaintiff Pro- Se

AFFIRMATION OF SERVICE

STATE OF NEW YORK)
COUNTY OF ERIE)

I, Matthew John Matagrano, declare pursuant to 28 U.S.C. Section 1746 under the penalties of perjury that:

On the 7th day of May, 2007 I mailed a true and exact copy of the letter enclosed herein to:

Senta B. Siuda

Assistant Attorney General

Syracuse Regional Office

615 Erie Blvd. West, Suite 102

Syracuse, N.Y. 13204

(counsel for defendants)

Dated: May 7, 2007

Alden, N.Y.

~~Respectfully Submitted,~~
~~Matthew John Matagrano~~
Matthew John Matagrano
#04A5883

Plaintiff Pro-se

Wende Corr. Fac.

3040 Wende Rd. P.O. Box 1187

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